

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

WOODROW FLEMMING,

Plaintiff,

v.

9:06-CV-562

**GLENN GOORD, Commissioner; DONALD
SELSKY, Director of Special Housing;
MICHAEL MAHER, Deputy Acting
Superintendent; CAPTAIN DAUPHIN; LT.
MITCHELL; LOZADA ROSSY; ANDY
MEACHEM, Security Officer; and SGT. H.
FITZPATRICK, Security Sgt.,**

Defendants.¹

APPEARANCES:

OF COUNSEL:

**WOODROW FLEMMING
No. 03-A-5259
Upstate Correctional Facility
Post Office Box 2001
Malone, New York 12953
Plaintiff *Pro Se***

**HON. ANDREW M. CUOMO
New York State Attorney General
The Capitol
Albany, New York 12224-0341
Attorney for Defendants**

**DAVID L. COCHRAN, ESQ.
Assistant Attorney General**

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed on the 16th day of November 2009. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties

¹The State of New York was dismissed as a defendant on August 9, 2006. See Second Docket Entry for 8/9/06.

herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

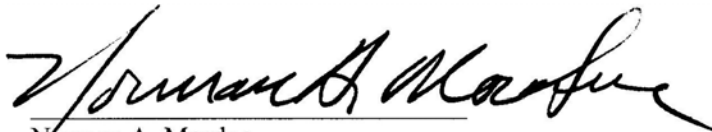
ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. Plaintiff's motion for summary judgment is denied in all respects. Defendants' cross-motion for summary judgment is granted in all respects and judgment be entered for all defendants on all claims. .

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: December 8, 2009
Syracuse, New York



Norman A. Mordue
Chief United States District Court Judge